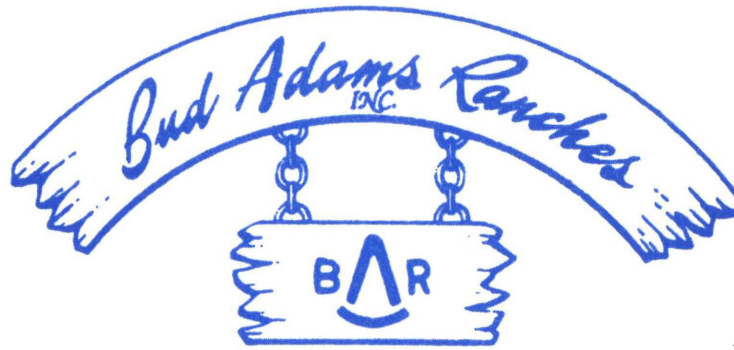


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July 6, 2020

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300850

Mr. R.D. James
Assistant Secretary of Army
Department of the Army
108 Army Pentagon
Washington DC 20310-0108

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Office of Proceedings
July 7, 2020
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Public Record

Dear Assistant Secretary James,

Thank you for your letter of June 18, 2020, responding to my concerns related to the Texas high-speed rail project (HSR) between Houston and Dallas.

I understand FRA is the lead agency and USACE is a cooperating agency in the preparation of the EIS and NEPA for Texas Central Railroad's (TCR) proposed HSR. The FRA issued a final EIS for the HSR on May 15, 2020. I have been unable to find any analysis in the FRA's final EIS which provides an analysis or discussion of how TCR plans to cross and protect the integrity of at least 92 pipelines (by the EIS count) TCR's route would impact. Research done by pipeline experts I have contacted indicates there are 142 which could be impacted by the construction and operation of TCR's HSR. This discrepancy in numbers may be the result of TCR having access to only 25% of the actual proposed route of TCR's proposed HSR. I think the final EIS issued by FRA is supposed to provide a basic blueprint and overall guidelines for the construction of TCR's proposed HSR system. The final EIS released by FRA does not address TCR's possible impact on these pipelines.

I realize the USACE is a cooperating agency and is only responsible for issuing the 404 permits for TCR's project. I have reviewed the USACE's Comments Response Matrix which is included in the FRA's final EIS. Darvin Messer of the Corps' Fort Worth district USACE states the USACE "intends to use FRA's EIS to the maximum extent practicable to address the USACE's evaluation of a permit application in accordance with Section 404 of the Clean Water Act of 1972." Felicity Dotson of the Galveston District states "SWG recommends that FRA include a statement acknowledging impacts to wetlands and WOUS outside the LOD, such as the installation of utility corridors and staging areas." She goes on to say, "A summary of the evaluation at each stage should be included either in a narrative or table. Wetlands and WOUS

should be included.” A complete reading of the Comments Response Matrix indicates that the USACE, in addition to regulating the discharge of dredged or fill material into WOUS, has some responsibility for protecting WOUS from the impact of hazardous materials that could be released from pipelines into WOUS as a result of the construction and operation of TCR’s HSR.

I believe USACE, as a cooperating agency has some responsibility to review the EIS and NEPA blueprint and Conceptual Engineering report to make sure the final EIS provides a blueprint for engineering and constructing the HSR which would protect WOUS from hazardous material that could result from pipeline failures which would contaminate these waters. My question is how can the USACE review the final EIS and approve a section 404 permit when the EIS provides no blueprint or conceptual engineering analysis regarding TCR construction and operation over scores of existing pipelines when many of these pipelines transport hazardous materials? My question relates directly to regulating the construction and operation of TCR’s proposed HSR. My question is not about regulating the pipelines which are regulated by FERC and the Texas Railroad Commission.

Once again, I sincerely appreciate your response to my previous letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. R. Scofield', with a stylized, cursive script.

William R. Scofield
President

CC: Christi Craddick, Commissioner, Railroad Commission of Texas
All Parties of Record